

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.¹

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA Title III
No. 17 BK 3283-LTS

(Jointly Administered)

PROMESA Title III

No. 17 BK 4780-LTS

(This court filing relates only to
Case No. 17 BK 4780-LTS)

**SUR-REPLY OF PUERTO RICO FISCAL AGENCY AND FINANCIAL ADVISORY
AUTHORITY AND PUERTO RICO ELECTRIC POWER AUTHORITY TO OMNIBUS
REPLY OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS IN SUPPORT
OF URGENT (I) OBJECTIONS TO MAGISTRATE JUDGE'S AUGUST 2, 2019 ORDER
ON MOTION TO COMPEL AND (II) ALTERNATIVE MOTION TO STRIKE AND TO
EXCLUDE OUT-OF-SCOPE DECLARATION TESTIMONY AND RELATED
EVIDENCE [ECF 1602]**

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's Federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

1. In its reply brief, the Committee attaches a single email and attachment in support of its argument that it is entitled to discovery from Filsinger Energy Partners (“FEP”). But that email communication only reinforces that discovery from FEP would be beyond the scope of the 9019 Motion. Reply Br. ¶ 32 (citing Exhibit W). This communication was sent more than two months after the RSA was executed and was made to assist PREPA in making a rate-setting decision as it worked to implement the Settlement Charge under the RSA. As this Court noted at the July 11, 2019 pretrial conference, it is “no longer being asked to approve RSA provisions that would . . . implement rate increases.” July 11, 2019 Hrg. Tr. 7:13-14. For this reason, this Court has held that issues pertaining to the implementation of the RSA are not before the Court. *Id.* at 13:21:14:1 (evidence regarding “whether the matters requiring further action by Puerto Rico’s elected government officials and agencies of the Puerto Rico Government ought to be approved should not be offered at this juncture”); *Order Excluding Testimony Proffered by UTIER and SREAAE in Connection with the 9019 Motion Practice*, at 3 [ECF 1586] (excluding “evidence regarding the macroeconomic, long-term effects of full implementation of the RSA”).

2. These documents have no relevance to the issues before the Court on the 9019 motion. PREPA produced them as a compromise to resolve a pending motion to compel with respect to requests seeking documents and communications concerning PREPA’s motion seeking conditional approval from its regulator to implement the RSA’s one-cent Settlement Charge. *See Joint Opposition to the Urgent Omnibus Motion of [Fuel Line Lenders] to Compel Discovery Responses in Connection with PREPA RSA Settlement Motion*, ¶ 4 [ECF 1580]. The production of these documents as a compromise should not permit the Committee to obtain further irrelevant discovery.

Dated: August 23, 2019
San Juan, Puerto Rico

Respectfully submitted,

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